

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**EIGHTY-EIGHTH LEGISLATIVE DAY
THURSDAY, APRIL 9, 2009**

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except President Pro Tempore Geddes and Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, Keough, LeFavour, Lodge, Mortimer, Siddoway, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Mallory Triplett, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 8, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Stegner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 112

BY FINANCE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE DEPARTMENT OF HEALTH AND WELFARE TO REVIEW THE ELIGIBILITY CRITERIA FOR AND THE SERVICES AVAILABLE THROUGH THE ADULT CYSTIC FIBROSIS PROGRAM AND REPORT TO THE LEGISLATIVE HEALTH CARE TASK FORCE REGARDING CERTAIN OPTIONS FOR RESTRUCTURING THAT PROGRAM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Adult Cystic Fibrosis Program managed by the Department of Health and Welfare provides assistance to individuals at high risk of economic hardships due to paying for care related to their disease; and

WHEREAS, adult cystic fibrosis patients who don't have access to care are at increased risk of greater medical need and of dying prematurely; and

WHEREAS, Section 56-1019, Idaho Code, requires the Department of Health and Welfare to provide a program of services to persons suffering from cystic fibrosis who are twenty-one years or more of age; and

WHEREAS, the current Cystic Fibrosis Program provided by the Department of Health and Welfare lacks financial eligibility criteria consistent with other programs providing health services to Idahoans; and

WHEREAS, it is the goal of the Idaho Legislature to assure consistent and nondiscriminatory public policy related to the coverage of health services.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare is requested to review the eligibility criteria for and the services available through the Adult Cystic Fibrosis Program and report to the Legislative Health Care Task Force by September 2009, options for restructuring that program to:

(1) Assure individual responsibility for the expenses associated with the medical care those individuals receive for cystic fibrosis;

(2) Establish uniform financial eligibility for patients receiving services from the state of Idaho;

(3) Maximize the use of the Idaho High Risk Reinsurance Pool as a vehicle for covering the costs of care for those individuals who are uninsured or underinsured; and

(4) Align the program eligibility and scope of services with those of other health benefit programs provided by the state of Idaho.

SCR 112 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 9, 2009

The JUDICIARY AND RULES Committee reports that S 1199, S 1200, S 1201, S 1202, and S 1203 have been correctly printed.

DARRINGTON, Chairman

S 1199, S 1200, S 1201, S 1202, and S 1203 were referred to the Finance Committee.

April 8, 2009

The JUDICIARY AND RULES Committee reports that S 1013, S 1015, S 1020, as amended, S 1022, S 1108, as amended, S 1146, S 1153, S 1154, and S 1158 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1013](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1108](#), as amended, [S 1146](#), [S 1153](#), [S 1154](#), and [S 1158](#) and ordered them transmitted to the House for the signature of the Speaker.

April 8, 2009

The JUDICIARY AND RULES Committee reports that [S 1110](#), as amended in the House, and [S 1121](#), as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

[S 1110](#), as amended in the House, and [S 1121](#), as amended in the House, were filed for first reading.

April 8, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [H 240](#), as amended, and [H 264](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[H 240](#), as amended, and [H 264](#) were filed for second reading.

April 8, 2009

The FINANCE Committee reports out [H 276](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 276](#) was filed for second reading.

April 9, 2009

The FINANCE Committee reports out [S 1199](#), [S 1200](#), [S 1201](#), [S 1202](#), and [S 1203](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1199](#), [S 1200](#), [S 1201](#), [S 1202](#), and [S 1203](#) were filed for second reading.

April 9, 2009

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Donald J. Soltman to the State Board of Education, term to expire March 1, 2014.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 8, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1003](#), [S 1008](#), [S 1115](#), [S 1127](#), [S 1128](#),
[S 1050](#), [S 1065](#), and [S 1071](#), as amended

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 8, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1061](#), [S 1046](#), and [S 1138](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Broadsword, LeFavour, Lodge, Mortimer, and Siddoway were recorded present at this order of business.

April 8, 2009

Dear Mr. President:

I transmit herewith [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 269](#), [HCR 30](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), and [H 297](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 269](#), [HCR 30](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), and [H 297](#) were filed for first reading.

April 8, 2009

Dear Mr. President:

I return herewith [S 1096](#), [S 1129](#), [S 1170](#), [S 1151](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [SJR 101](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1096](#), [S 1129](#), [S 1170](#), [S 1151](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [SJR 101](#) were referred to the Judiciary and Rules Committee for enrolling.

April 8, 2009

Dear Mr. President:

I return herewith Enrolled [S 1004](#), as amended in the House, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1004](#), as amended in the House, was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

President Pro Tempore Geddes and Senators Bair, Bilyeu, Brackett, Cameron, Hammond, and Keough were recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, [HCR 25](#) retained its place on the Calendar for Tuesday, April 14, 2009.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Ruthie Johnson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

Moved by Senator Jorgenson, seconded by Senator Goedde, that the report relative to the Gubernatorial appointment of Ruthie Johnson as a member of the Idaho Commission on Human Rights be adopted. The question being, "Shall the motion prevail?"

Roll call vote was requested by Acting Senator Thorson and Senators Sagness and LeFavour.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 28.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Thorson (Stennett), Werk. Total - 7.

Total - 35.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Hyong K. Pak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Kelly, the Gubernatorial appointment of Hyong K. Pak as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Ralph Williams was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, the Gubernatorial appointment of Ralph Williams as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1204

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-207, IDAHO CODE, TO DELETE PROVISIONS RELATING TO AN OFFICIAL SEAL OR LABEL ATTACHED TO PACKAGES OF LIQUOR SOLD TO THE GENERAL PUBLIC, AT A LIQUOR STORE OR DISTRIBUTING STATION, WHICH IS NOT A LICENSED PREMISES; AMENDING SECTION 23-311, IDAHO CODE, TO DELETE A REQUIREMENT THAT A CONTAINER OF ALCOHOLIC LIQUOR SOLD TO THE GENERAL PUBLIC WITH AN OFFICIAL SEAL OR LABEL AFFIXED TO SUCH CONTAINER AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 23-610, IDAHO CODE, TO REVISE PROVISIONS RELATING TO

THE ILLEGAL POSSESSION OF CERTAIN ALCOHOLIC LIQUOR.

S 1205
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REAUTHORIZING LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY.

S 1206
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1204](#), [S 1205](#), and [S 1206](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[S 1110](#), as amended in the House, by Health and Welfare Committee, was read the first time at length and filed for second reading.

[S 1121](#), as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), and [H 292](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 269](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[HCR 30](#), by Ways and Means Committee, was introduced, read at length, and referred to the Education Committee.

[H 293](#), [H 294](#), [H 295](#), [H 296](#), and [H 297](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 266](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 198](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

[S 1140](#), as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[S 1175](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Goedde, granted by unanimous consent, [H 262](#) retained its place on the Third Reading Calendar for Monday, April 13, 2009.

[S 1165](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1165](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1167](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1167](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1169](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1169](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1185](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1185](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1176](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1176](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1177](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1177](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1178](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1178](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1179](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1179](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1180](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1180](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1181](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Senator Schroeder moved that [S 1181](#) be referred to the Fourteenth Order of Business for amendment. The motion died for lack of a second. The question being, "Shall [S 1181](#) pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—Schroeder. Total - 1.

Total - 35.

Whereupon the President declared [S 1181](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1183](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1183](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1187](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1187](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1188](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1188](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1189](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1189](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1190](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1190](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1191](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1191](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1149](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1149](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1162](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Geddes, Hill, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 28.

NAYS—Davis, Fulcher, Goedde, Hammond, Heinrich, Jorgenson, Pearce. Total - 7.

Total - 35.

Whereupon the President declared [S 1162](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:10 p.m. until the hour of 3:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Andreason, Cameron, Coiner, LeFavour, Lodge, McGee, Pearce, Acting Senator Sagness, Smyser, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 9, 2009

The TRANSPORTATION Committee reports that it has had under consideration the House amendments to [S 1086](#), as amended in the House, and [S 1088](#), as amended in the House, and recommends that the Senate concur in the House amendments.

MCGEE, Chairman

[S 1086](#), as amended in the House, and [S 1088](#), as amended in the House, were referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Andreason, Cameron, Coiner, LeFavour, Lodge, Pearce, Smyser, and Stegner were recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1140](#), as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1140](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—LeFavour. Total - 1.

Absent and excused—McGee, Sagness (Malepeai). Total - 2.

Total - 35.

Whereupon the President declared [S 1140](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

Acting Senator Sagness was recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1175](#), as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1175](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Siddoway disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Thorson (Stennett), Werk. Total - 7.

Absent and excused—McGee. Total - 1.

Total - 35.

Whereupon the President declared [S 1175](#), as amended, passed, title was approved as corrected, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 5 p.m. until the hour of 8 a.m., Friday, April 10, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary